

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

DEC - 5 2014

Clerk, U.S. District Court
District Of Montana
Billings

IN RE THE GUARDIANSHIP and
CONSERVATORSHIP OF JOHN
HENRY TITECA, an incapacitated
person

CV 14-105-BLG-SPW

OPINION and ORDER

Before the Court are the Findings and Recommendations entered by United States Magistrate Judge Carolyn Ostby on November 19, 2014. (Doc. 9). Magistrate Judge Ostby recommends that this Court grant the United States' motion to quash a state order (Doc. 4-21) regarding payment of John Henry Titeca's veteran's benefits and remand the case back to state court. (Doc. 9).

Pursuant to 28 U.S.C. § 636(b)(1), written objections to Magistrate Judge Ostby's Findings and Recommendations were due 14 days after service. No objections were filed. When a party does not object, this Court must review Magistrate Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir.2000). After reviewing the Findings and Recommendations, this Court does not find that Magistrate Judge Ostby committed clear error.

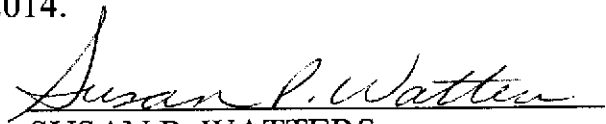
Accordingly, IT IS HEREBY ORDERED:

1. Magistrate Judge Ostby's Findings and Recommendations (Doc. 9) are ADOPTED IN FULL.

2. The United States' motion to quash the state order (Doc. 6) is GRANTED and the state order (Doc. 4-21) is hereby quashed.

3. IT IS FURTHER ORDERED that this case be remanded back to the Montana Sixth Judicial District Court, Sweet Grass County.

DATED this 4th day of December 2014.


SUSAN P. WATTERS
United States District Judge